

for title III. The section further provides two forms of suspension authority that the President may exercise to delay litigation under section 302.

First, the President may suspend the effective date for a period of not more than six months if he determines and reports in writing to the appropriate committees of Congress that such suspension is "necessary to the national interests of the United States and will expedite a transition to democracy in Cuba." This suspension may be extended for additional periods of not more than six months each upon making the same determination and report to Congress as above.

Second, after title III takes effect, the President may suspend the right to bring an action under section 302 for a period of not more than six months upon making the same determination and report to Congress as above. This second form of suspension can also be extended for additional periods of not more than six months upon making the same determination and report to Congress as above. Suspension pursuant to this authority will not suspend or otherwise affect pending cases.

The committee of conference provided this suspension authority at the request of the Executive branch in order to afford the President flexibility to respond to unfolding developments in Cuba. The committee specifically rejected a proposal made by the Executive branch that the President be permitted to suspend the right of action upon determining and reporting to the appropriate committees of Congress that such suspension "is important to the national interests of the United States, including expediting a transition to democracy in Cuba."

The committee of conference could not accept the formulation proposed by the Executive branch because it subordinated the question of whether suspension of the right of action would expedite a transition to democracy in Cuba to a larger question of whether suspension is important to the President's overall calculation of the national interest. The committee strongly believes that the question of whether suspension will expedite a transition to democracy in Cuba should be the central element of the President's decision whether to exercise the suspension authority, and not just be one of many factors to be considered by the President.

The formula included in the conference substitute requires the President to determine two separate and distinct matters before suspending the right of action: first that suspension "is necessary to the national interests of the United States," and second that suspension "will expedite a transition to democracy in Cuba."

In the judgment of the committee of conference, under current circumstances the President could not in good faith determine that suspension of the right of action is either "necessary to the national interests of the United States" or "will expedite a transition to democracy in Cuba." In particular, the committee believes that it is demonstrably not the case that suspending the right of action will expedite a transition to democracy in Cuba, inasmuch as suspension would remove a significant deterrent to foreign investment in Cuba, thereby helping prolong Castro's grip on power.

#### TITLE IV—EXCLUSION OF CERTAIN ALIENS

Section 401 of the House bill provides that the Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary determines (1) has confiscated or converted, or overseen or directed the confiscation or conversion of, property belonging to a United States national; (2) knowingly and intentionally traffics in confiscated American

property after the bill's enactment; (3) is a corporate officer, principal, or controlling shareholder in a company or entity that has been involved in such confiscations or conversions or trafficking; or, (4) is a spouse, minor child, or agent of any person described above. The Secretary of State may waive this prohibition on a case-by-case basis when he determines that it is in the national interest to do so.

The Senate amendment contains no comparable provision.

Section 401 of the conference substitute adopts the approach of the House bill, but limits application of the provision to confiscated property in Cuba. In addition, the substitute limits application of the provision to trafficking that occurs after the date of enactment.

The committee notes that the definition of trafficking for purposes of section 401 is slightly narrower than the definition applicable to title III set forth in section 4(13) of the conference substitute. Two considerations account for the narrower definition. First, the committee did not wish to reach existing acts of trafficking under this section, but rather wished to reach new and different acts of trafficking beginning on or after the date of enactment. Second, the committee did not wish this section to deter investors in Cuba from divesting their holdings. For this reason, the sale or abandonment of confiscated property in Cuba for purposes of disengaging from Cuba is excluded from the definition of trafficking.

BEN GILMAN,  
DAN BURTON,  
ILEANA ROS-LEHTINEN,  
PETER T. KING,  
LINCOLN DIAZ-BALART,  
ROBERT G. TORRICELLI,  
ROBERT MENENDEZ,

*Managers on the Part of the House.*

JESSE HELMS,  
PAUL COVERDELL,  
FRED THOMPSON,  
OLYMPIA SNOWE,  
CHARLES S. ROBB,

*Managers on the Part of the Senate.*

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STOKES (at the request of Mr. GEPHARDT), for today through Friday, March 15, on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes on March 5.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.  
Mr. ORTIZ.  
Mr. EWING.  
Ms. ESHOO.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On February 23, 1996:

H.R. 1718. An act to designate the United States courthouse located at 197 Main Street in Wilkes-Barre, Pennsylvania, as the "Max Rosenn United States Courthouse."

On February 28, 1996:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

#### ADJOURNMENT

Mr. McINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, March 5, 1996, at 9:30 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

2147. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2148. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 10th monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2149. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting annual report of the Christopher Columbus Fellowship Foundation for fiscal year 1995, pursuant to Public Law 101-281, section 429(b) (106 Stat. 145); to the Committee on Banking and Financial Services.

2150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Ukraine, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2151. A letter from the Acting Assistant Secretary, Department of Education, transmitting final regulations—State grants program for technology—related assistance for individuals with disabilities, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Economic and Educational Opportunities.

2152. A letter from the Secretary of Education, transmitting final regulations—Education Department general administrative regulations [EDGAR]—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the